

SOUTH DELTA WATER AGENCY

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April 20, 2007

Via Fax (916) 464-4645 & e-mail

Mr. James D. Marshall, P.E.
Senior Engineer
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95676-6114

Re: NPDES Permit Discharges from Mountain House
Waste Wastewater Treatment Facility to Old River

Dear Mr. Marshall:

The South Delta Water Agency submits the following comments to the proposed NPDES permit for discharges from the Mountain House wastewater treatment facility to Old River.

The draft documents released for public review and comment mirror those released for the also pending City of Tracy permit. As such, SDWA requests its comments dated April 6, 2007, and April 18, 2007, for the Tracy permit be incorporated in the record as its comments to the Mountain House permit. Of course, there are some differences regarding the specifics of the two permits, but the proposed handling of salinity discharges is virtually the same.

SDWA would like to reaffirm that the Board does not have the legal authority to allow additional discharges of salt load (and at concentrations above the standards) into a water body already impaired due to salts (or EC). The draft Order identifies the methods by which enforceable discharge limitations can be delayed pending final adoption or enforcement. However, as set forth in SDWA's comments to the Tracy permit, the draft Order does not comply with those exceptions, and therefore enforceable discharge limitations are required.

The draft Order gives the public no basis on which to evaluate its unsupported conclusion that the additional discharges of salt to Old River are in the public interest. There is no analysis

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as to why growth in Mountain House is more important either socially or economically than compliance with existing water quality standards or the protection of local agricultural beneficial uses protected by those standards. As the Board struggles with how to address existing permittees who discharge additional load at high concentrations, it does not explain why allowing new discharges is to the benefit of the public, local agriculture or other urban dischargers. It would seem that such new discharges are directly contrary to the public interest.

The draft Order states that 1,000 EC is a reasonable goal that can be achieved during the effective dates of the proposed permit on page 26 (of the strike-out version). However, on page 12 of Attachment F, the document specifies that 1400 EC is the interim limit applied to the discharger. These two numbers seem to be contradictory.

SDWA encourages the Board to refrain from authorizing new discharges into the area most affected by high saline waters. After nearly forty years of struggle, the current water quality objectives are finally in effect, and DWR and USBR charged with their compliance. At this time, neither have any plan by which they will comply with those obligations, meaning that southern Delta agriculture will not be protected to the degree specified in the existing Water Quality Control Plan. The justifications for allowing a new discharge to exacerbate these problems are wholly absent from the draft Order and attachments; and in fact cannot be made or supported. On behalf of the agricultural water users in the southern Delta, we ask that the Board firmly exercise its regulatory powers and prevent new and additional pollution to the Delta channels.

Please feel free to contact me if you have any questions.

Very truly yours,

JOHN HERRICK

JH/dd